

### Remarks

Claims 1-20 are in the application. Claims 1-5, 9 and 11-15 have been amended. Claims 1-20 were rejected under 35 USC 103(a) as being unpatentable over Schmidt et al (Pat. 5,894,450) in view of Avedik (Pat. 4,138,658). The applicant respectfully traverses the 103 rejection as follows:

Claims 1-5 and 11-15 have been amended to include limitations for the propulsion fins which not only dig into the ocean bottom to couple the seismometer to the ocean bottom, the fins also enable lowering each side of the seismometer body independently to align the body with proper reference to horizontal reference frame. The fins of the present invention are not taught or suggested by the combination of references cited by the Examiner. The Schmidt reference, column 6, lines 22-24, and Figure 3, show that the Schmidt propulsion system is “A propulsion system [that] includes a motor **90**, a propeller **92**, rudders **96** and **97** and a rudder actuator **100**.” This rear mounted propeller is only capable of forward propulsion and is certainly not capable of digging into the ocean bottom to couple a seismometer there to. As stated in Schmidt, “The vehicle is autonomous in the sense that it may move to any X-Y coordinates and depth within the ocean volume being monitored” (column 6, lines 33-35). The ocean volume does not include navigating outside of the ocean volume [water], that is, moving into the ocean floor outside of ocean volume by digging into the ocean floor with the propulsion fins. Moreover, the fins and their function of digging to couple the seismometer to the ocean floor and align the seismometer are not taught or suggested by the combination of Schmidt and Avedik et al. Thus, it is believed that the claims as amended overcome the

combination of Schmidt and Avedik et al. Applicant believes there is no support for the Examiner's assertion that it would have been obvious to use the propulsion system of Schmidt to couple the hypothetical combination of Schmidt and Avedik et al. to the ocean bottom. Applicant requests an Examiner's affidavit under 37 CFR 1.104(d)(2) showing a reference showing that using the propulsion system of Schmidt to couple the hypothetical combination of Schmidt and Avedik et al. to the ocean bottom would have been obvious at the time the invention was made.

Thus it is believed that claims 1-20 are patentably distinct over the references cited by the Examiner.

Respectfully submitted,



November 26, 2003  
Date

---

G. Michael Roebuck  
Reg. No. 35,662  
MADAN, MOSSMAN & SRIRAM  
2603 Augusta, Suite 700  
Houston, Texas 77057  
Telephone: 713-266-1130 x105  
Facsimile: 713-266-8510